

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q65824

Hironori MIZUGUCHI

Appln. No.: 09/924,723

Group Art Unit: 2618

Confirmation No.: 3958

Examiner: Shaima Q. AMINZAY

Filed: August 9, 2001

For: TRANSMISSION POWER CONTROL SYSTEM AND METHOD CAPABLE OF
SAVING BATTERY CONSUMPTION OF MOBILE STATION AND PREVENTING
CONNECTION CAPACITY FROM BEING REDUCED

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits
this Reply Brief in response to the Examiner's Answer dated July 21, 2008. Entry of this Reply
Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1-42 stand finally rejected.

The rejections of claims 1-42 are being appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-42 stand finally rejected.

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ARGUMENT

A. The Rejections based on Larijani et al. in view of Itoh

1. The Rejections of Claims 1-42 based on Larijani et al. in view of Itoh

On Page 46 of the Examiner's Answer, the Examiner states:

The main point of the Appellants' arguments seems to rest in the remarks in the arguments (*Brief* p. 24) that "plurality of individual communications between a plurality of mobiles stations" is not recited in the claims. But, there are no plurality of individual communications specifically claimed. The claims, as now worded, could reasonably be interpreted as monitoring a broadcast from the base station to the multiple mobile stations.

Even assuming the Examiner's interpretation of the scope of the claim is correct, and there is a "broadcast" to the multiple mobile states, Larijani et al. still fails to disclose or suggest the claimed invention. This is because each of the mobile stations would receive the broadcast communication. While the communication may be the same, each station would receive the broadcast as an individual communication - thus, there would still be a plurality of individual communications.

As mentioned in Appellant's Brief, the base station in Larijani et al. includes separate maximum selectors, integrators, statistical power control blocks for each mobile unit (Col. 7, lines 29-42) and all of the analyses and adjustments are made based on the communication state of each individual mobile unit. There is no disclosure or suggestion of monitoring the quality of

a plurality of individual communications between a plurality of mobiles units and the base station and making a judgment based on the state of communication of all a plurality of communications.

For at least these reasons, Appellant requests that the members of the Board to reverse the aforementioned rejections of claims 1-42.

2. The Rejections of Claims 2, 5, 10, 13, 18, 21, 23, 26, 31 and 34 based on Larijani et al. in view of Itoh

In Appellant's Brief, regarding claims 2, 5, 10, 13, 18, 21, 23, 26, 31 and 34, Appellant argued that each of these claims require that the total interference electric power be monitored and that neither Larijani et al. nor Itoh discloses or suggests monitoring or measuring the total interference electric power of a plurality of communications between a plurality of mobile stations and a base station and making a judgment based on the total interference electric power.

In response, the Examiner argues that Larijani et al. discloses measuring signal-to-interference ratios and that it is well known in the art would mean that interference electric power is being monitored. First, Appellant notes that the Examiner has not provided any support this assertion. Next, even assuming it is correct, Larijani et al. does not disclose or suggest that it is monitoring the total electrical interference power of the plurality of communications, for the same reasons as described above in section A1.

Therefore, for this additional reasons, Appellant requests that the members of the Board to reverse the aforementioned rejections of claims 2, 5, 10, 13, 18, 21, 23, 26, 31 and 34.

3. The Rejections of Claims 3, 11, 19, 24 and 32 based on Larijani et al. in view of Itoh

On Page 47 of the Examiner's Answer, the Examiner states:

Regarding dependent claims 3, 11, 19, 24, and 32, the arguments (*Brief* p. 25 (3))

“...plurality of communications between plurality of mobiles stations...” is not recited in the claims.

Appellant disagrees for the reasons same reasons as described above in section A1.

Therefore, for this additional reasons, Appellant requests that the members of the Board to reverse the aforementioned rejections of claims 3, 11, 19, 24 and 32.

4. The Rejections of Claims 4, 12, 20, 25 and 33 based on Larijani et al. in view of Itoh

On Page 47 of the Examiner's Answer, the Examiner states:

Regarding dependent claims 4, 12, 20, 25, and 33, the remarks in the arguments (*Brief* p. 26 (5)) “measuring...signal of a plurality of communications between plurality of mobiles stations” is not recited in the claims.

Appellant disagrees for the reasons same reasons as described above in section A1.

Therefore, for this additional reasons, Appellant requests that the members of the Board to reverse the aforementioned rejections of claims 4, 12, 20, 25 and 33.

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CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal.

An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

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Date: September 22, 2008

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